

**Town of Bethany Beach
Planning Commission Minutes
November 19, 2011**

The Bethany Beach Planning Commission held a meeting on Saturday, November 19, 2011 at 9:00 a.m. in the Bethany Beach Town Hall, 214 Garfield Parkway, Bethany Beach, DE 19930.

The following members were present: Lew Killmer, who presided; Mike Boswell; John Gaughan; Fulton Loppatto; and Chuck Peterson.

Excused member: Faith Denault

Also present: Susan Frederick, Building Inspector; Councilpersons, Jerry Dorfman and Margaret Young; Lindsey Good, Administrative Secretary; and interested members of the public.

OPENING OF MEETING

Approval of Agenda

Mr. Peterson made a motion to approve the agenda. Seconded by Mr. Gaughan, the motion was unanimously approved.

Discussion/Approval of the Planning Commission Minutes of September 17, 2011

Mr. Peterson made a motion to approve the minutes dated September 17, 2011. Mr. Loppatto seconded the motion and it was unanimously approved.

Announcements/Comments/Updates

Non-Residential Design Review Update (Killmer)

There was no meeting so there was no report.

Comments/Updates Regarding the October Town Council Meeting (Killmer)

Mr. Killmer gave the following report:

- The First Reading was held on an ordinance to amend Chapter 530 (Signs) Article V (Sign Permits: Application and Processing Procedures) Section 20 (b) (Temporary Permits for Special Event Signs) of the Town Code of Bethany Beach. There were no issues addressed on this ordinance.
- A First Reading was held on An Ordinance to Amend Chapter 530 (Signs) Article VIII (Nonconforming Signs, Section 28 (Existing Nonconforming Signs – Abatement) of the Town Code of Bethany Beach. This ordinance clarifies regulations for signage as it pertains to non-conforming legal signs.
- The Town Council Procedure and Protocol Manual was approved.

- The Committee appointments were approved.
- It was voted not to hold a Town Council meeting in December.

Comments, Q&A and Discussion for Planning Commissioner Members (All)

There were no comments for the Planning Commissioners at this time.

PUBLIC COMMENT/QUESTIONS FOR THE PLANNING COMMISSION

There were no comments or questions at this time.

OLD BUSINESS

Continue the discussion about the benefits and potential negative impact (s) of possibly incorporating Floor Area Ratio (FAR) requirements in the Town's Zoning Code (Loppatto)

Mr. Loppatto explained that he met with Ms. Frederick to review the Floor Area Ratio (FAR) data that she collected, noting that she did a great job obtaining and collaborating all of the information.

Mr. Loppatto advised that if a FAR percentage requirement should be established, then it also should be determined if there is to be any exceptions.

Mr. Killmer questioned if Henlopen Acres possesses a FAR requirement.

Ms. Frederick responded that Henlopen Acres does not have a FAR requirement, although they have set a maximum square footage permitted that includes all areas with a ceiling height that exceeds 6'-6", including garages.

Mr. Killmer noted that it is interest that the City of Dover only has FAR requirements for Residential Areas, but not for Commercial areas.

Mr. Loppatto suggested that only one portion of the Town could have FAR requirements.

Mr. Killmer noted that this would create an issue because differentiating regulations in separate areas of the Town would enhance the false image of there being two (2) separate communities.

The Commissioners ensued a further discussion and exchanged ideas on possible solutions to establishing FAR regulations.

Ms. Frederick noted that the issue may not be that a FAR is needed but that the code may need to address bulk issues. The issue seems, to her, to be one of massing and there could be other ways to address the problem.

Mr. Killmer advised Ms. Frederick to look into the matter and to come up with suggestions as to how the issue of bulk might be addressed in the code. She should also consider visual examples to explain the matter more clearly.

Mr. Killmer stated that, once the issue of bulk is addressed and reviewed by the Planning Commission and alternatives for addressing it in the code are determined, he would like to invite local builders and designers to a meeting to get their input as well. Mr. Killmer added that the goal is to alleviate the visual perception of extremely large houses and to preserve a cottage-like atmosphere.

Mr. Killmer expressed his appreciation to Ms. Frederick for all of her work on this matter.

Consider amending the section of the Town Code regarding Fences (425-16B) as well as adding the definitions to section 425-2 of the Town Code (Killmer)

Mr. Killmer distributed two additional documents to the Commissioners: a document of the current Ordinance on Fences (425-16B) and a draft of his recommended amendments and added definitions to Section 425-2 of the Code.

Mr. Killmer explained that the current ordinance on Fences does not define exactly what a "fence" is.

Ms. Frederick mentioned that some residents expressed that there is not enough privacy allowed from the current ordinance and she has had many requests for fences higher than 4 feet.

Mr. Killmer stated that is important to have definitions in the Code, because the current Code has many different interpretations, noting that privacy is not considered in the Code. He emphasized that the Code can be modified if the Planning Commission would like to pursue this issue.

Mr. Loppatto stated that he agrees with Mr. Killmer's suggested amendment of the Code.

Mr. Killmer advised the Commissioners to take time to review his draft of suggested changes and discuss it at the next meeting.

SUMMARY OF ACTION ITEMS

A. Ms. Frederick is going to prepare an overview of bulk issues and how they relate to the perception of over-sized home.

B. The Commission will discuss Mr. Killmer's document of suggested amendments to the ordinance on Fences (425-16B) and added definitions to Section 425-2 of the Code.

Comments, Q&A and Discussion for Planning Commissioner Members (All)

Ms. Frederick reported that in regards to the Addy/Cooper Major Subdivision request, she received a letter from the attorney for the property owner in the Wilgus Subdivision stating that the property owner is declining to give Mr. Addy and Mr. Cooper an easement through their property. Without the easement, the proposed subdivision plans will only have a 10 foot wide easement at the rear of the Bethany West properties to use in their proposed drainage system.

Mr. Gaughan questioned when the 2010-2020 Comprehensive Plan that was revised by the State of Delaware will be available.

Mr. Killmer responded that he will incorporate the revisions suggested by the State into the Comprehensive Plan and bring it to the Planning Commission meeting in January.

ADJOURN

A motion was made by Mr. Boswell, seconded by Mr. Gaughan, that this meeting be adjourned. The motion was unanimously approved.

It was decided that there will be no meeting in December.

Respectfully Submitted:

Lindsey Good, Assistant Town Clerk